

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

NUWAY, Alliance, NUWAY House,  
Inc., 3 Rs NUWAY Counseling  
Center, NUWAY Saint Cloud  
Counseling Center, NUWAY  
University Counseling Center,  
NUWAY Rochester Counseling  
Center, 2118 NUWAY Counseling  
Center, NUWAY Mankato Counseling  
Center, NUWAY Duluth Counseling  
Center,

Plaintiffs,

vs.

Minnesota Department of Human  
Services Temporary Commissioner  
Shireen Gandhi, in her official  
capacity,

Defendant.

Civil File No. 25-CV-00492  
(JRT/ECW)

**DEFENDANT'S MEMORANDUM  
OF LAW IN SUPPORT OF  
UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO  
ANSWER OR OTHERWISE  
RESPOND TO PLAINTIFFS'  
COMPLAINT**

Defendant Minnesota Department of Human Services Temporary Commissioner Shireen Gandhi, in her official capacity, respectfully moves the Court pursuant to Fed. R. Civ. P. 6(b) for an Order extending the time to file an answer or otherwise respond to Plaintiffs' Complaint (ECF No. 1).

Defense counsel met and conferred with Plaintiffs' counsel pursuant to LR 7.1 on February 25, 2025, and Plaintiffs' counsel indicated that Plaintiffs do not oppose this Motion.

## BACKGROUND

Plaintiffs filed their Complaint in this matter on February 7, 2025. (ECF No. 1.) Defendant's deadline to answer or otherwise respond to the Complaint is currently February 28, 2025. (ECF No. 15.) Plaintiffs also filed a Motion for Temporary Restraining Order and Preliminary Injunction (ECF No. 6), which the Court heard and took under advisement on February 20, 2025. (ECF No. 30 (minute entry).) On February 25, 2025, the Court issued an Order denying Plaintiffs' motion. (ECF No. 31.)

Plaintiffs have represented that they will file an amended complaint to clarify certain factual allegations in the original complaint but have not yet done so. (ECF No. 29.)

## ARGUMENT

Defendant respectfully asks this Court to extend the deadline to answer or otherwise respond to Plaintiffs' Complaint to 21 days after Plaintiffs file their Amended Complaint.

This Court may, for good cause, extend the deadline to answer or otherwise respond to a pleading. Fed. R. Civ. P. 6(b)(1). Such motions to extend are "to be liberally permitted." *Ruszczak as Tr. for Ruszczak v. Noor*, 349 F. Supp. 3d 754, 767 (D. Minn. 2018). Consequently, "requests for extensions of time made before the applicable deadline has passed should 'normally . . . be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.'" *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258–59 (9th Cir. 2010) (internal citation omitted).

In the interests of justice and judicial economy, good cause exists to extend the deadline to answer or otherwise respond. This good cause includes that Plaintiffs have indicated that they intend to file an Amended Complaint (ECF No. 29), which would

obviate the need for Defendant to respond to the current operative Complaint and would provide a new response deadline. *See* Fed. R. Civ. P. 15(a)(3) (deadline to respond to amended pleading is 14 days after service of the amended pleading). However, unless or until Plaintiffs file an amended complaint, Defendant would be subject to the current February 28, 2025 response deadline, which causes uncertainty. Granting an extension for Defendant to respond to either the current operative complaint or an amended complaint by a date-certain will aid the parties and the Court by providing a single definite response deadline and avoid potential duplicative or piecemeal responses to the current complaint and any amended complaint.

Further, the parties have just received the Court's Order denying Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction. (ECF No. 31.) Defendant anticipates that any Rule 12 motion in response to Nuway's complaint will involve issues that substantially overlap with those addressed by the Court's Order, and therefore Defendant would benefit from a reasonable extension of time in order to analyze the Court's Order and prepare her response to Plaintiffs' complaint in light of the Court's recent ruling. Neither party will be prejudiced by this reasonable extension, and Plaintiffs do not oppose this motion.

### **CONCLUSION**

For the reasons stated herein, Defendant respectfully requests that the Court extend the deadline to answer or otherwise respond to Plaintiffs' Complaint to 21 days after Plaintiffs file an amended complaint.

Dated: February 26, 2025

Respectfully submitted,

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State of Minnesota

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